

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

HOUSTON DIVISION

AMJU INTERNATIONAL TANKER LTD.	§	
Plaintiff,	§	C.A. No.4:09-CV-3631
v.	§	(ADMIRALTY)
	§	SECTION
	§	
EMPRESA MARITIMA AMERICANA LTD.,	§	MAGISTRATE
Defendant	§	
	§	

RESPONSE TO CLAIMANT'S MOTION TO VACATE
ATTACHMENT

COMES NOW: AMJU INTERNATIONAL TANKER LTD., Plaintiff in this action and responds to the motion of Claimant Ursula Maritime Private. Ltd. (hereinafter "URSULA") to vacate the attachment as follows:

1. URSULA has no standing as Claimant . The bunkers onboard the vessel URSULA were delivered to the purported "new" time charterer of the ship Caribe Tankers Ltd. when the ship took pilot onboard and entered the Houston Ship Channel, under the terms of the Caribe time charter party. Caribe who might claim property in the bunkers has not appeared.

2. The factual basis for the attachment of the bunkers onboard the URSULA is not based on speculation at all. It is based on a careful factual investigation as detailed in the Second Declaration of Mr. George Magliveras.

3. Defendant EMPRESA MARITIMA AMERICANA LTD, in an effort to evade the lawful demands of its creditors, which include the Plaintiff, has devised a stratagem whereby its time chartered fleet is being re-chartered to a newly minted entity Caribe Tankers Ltd. under “new” time charter parties. A cursory source of corporate records reveals that the same individuals and business that comprised EMPRESA MARITIMA AMERICANA LTD are now coming under the rubric of Caribe Tankers. For obvious reasons. The facts are detailed by Mr. Magliveras in the Magliveras Declaration.

4. Plaintiff gave the Claimants every possible opportunity to show that indeed the bunkers onboard the URSULA were not the property of AMA. They refrained from requesting an order of attachment since last Monday. They requested Claimants, through their attorneys, come forward with a few papers that must be onboard the ship that would support the contentions of Claimants if they were truthful. Claimants failed to disclose,

notwithstanding their feigned willingness to so, the simple documents that would have shown their contentions to be true.

Wherefore, premises considered, Plaintiff respectfully requests that the attachment be maintained and the relief requested by Claimant URSULA be denied.

Respectfully submitted,

/s/ George A. Gaitas

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Attorney for Plaintiff

CERIFICATE OF SERVICE

I, the undersigned, do hereby certify that I forwarded a true and correct copy of the foregoing document to the following counsel of record via ECF and telefax on this 13th day of November 2009.

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